

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.334/92 in

DATE OF DECISION: 4.11.92

O.A. No.758/90

M.M. HALDAR

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

ORDER

This order shall also govern the disposal of review application No.334/92 in OA No.1015/89 - M.M. Haldar Vs. Union of India and others.

This review application has been filed by the applicant whose OA No. 758/90 and 1015/89 have been decided on 21.09.92. The RA was perused. One of the grounds raised by the petitioner in this RA is that Hon'ble Member Shri P.C. Jain, who was the party to the judgement in the original application, was his superior officer during year 1984-85, holding the post of Chief Controller of Imports and Exports. He contends that the interest of justice demands that Hon'ble Shri Jain, should not have sat over the judgement in this case. We have perused all the documents in this case and no orders were ever passed by Shri P.C. Jain, (as he then was) in year 1984-85 with regard to these matters involved in both the O.A's. Furthermore, when the case was heard on 10.09.1992, then at the time of hearing, no such objection was raised by the applicant or his counsel

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nor any application was brought to our notice at the time of hearing. The judgement was prepared by me (Hon'ble Justice Shri Ram Pal Singh) and Hon'ble Shri P.C. Jain agreed with the findings given in the judgement. If the petitioner had any objection to the hearing of the case before a Bench in which Hon'ble Shri P.C. Jain was a Member, then he should have raised the objection at the time of the hearing. This cannot be made, subsequently, the ground of review, after the pronouncement of the judgement. Hence this ground contained in the RA is rejected.

We have perused the lengthy grounds given in the RA and it is very much evident that the petitioner virtually wants rehearing of original applications under the garb of a review application. The petitioner has merely repeated his arguments in this RA. It is cardinal principle, that a judgement once pronounced becomes final and it cannot be substituted by a second judgement except on the limited grounds in exercise of the powers of review. After the pronouncement of the judgement, the petitioner after reading the judgement comes to know the weaker points which were against him and hence he tries to get a second judgement by filing the review. Assuming that some error or mistake has occurred in the judgement then that too cannot be made a ground for review. Even if there is a mistake of Law and facts in the judgement or it is erroneous on merits, then it is the domain

Lawyer

contd....

of the Court of Appeal to set it aside, but review is not the proper remedy. We have perused the lengthy grounds contained in the review application and we are of the view that re-hearing of the case cannot be permitted after the final judgement has been pronounced. We see no merit in the review applications and it is therefore dismissed without notice to the other party.

Ram Pal Singh 4.11.92
(RAM PAL SINGH)

VICE CHAIRMAN (J)

I agree.

P.C. Jain 4/11/92
HON'BLE SHRI P.C. JAIN